

COMMONWEALTH OF MASSACHUSETTS
State Building Code (780 CMR) Appeals Board
Board's Ruling on Appeal¹

Docket No. 08-624

Appellant(s): Ann Daitch for Elisabeth Stern vz. Appellee(s): City/Town of Framingham
Mark Hughes

Procedural History

This matter came before the State Building Code Appeals Board ("Board") on the Appellant's appeal filed pursuant to 780 CMR 122.1. In accordance with 780 CMR 122.3, the Appellant requested that the Board grant her a variance from 780 CMR 111.1, for 75 G Nicholas Road, Framingham, MA. In accordance with GL c. 30A, §§10 & 11; GL c. 143, §100; 801 CMR 1.02 *et seq.*; and 780 CMR 122.3.4, the Board convened a public hearing on September 4, 2008 where all interested parties were provided with an opportunity to testify and present evidence to the Board.

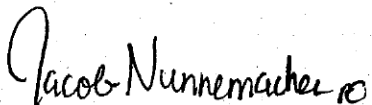
The Appellant appeared for the hearing *pro se*. Others were present as indicated on the sign-in sheet which is on file at the Department of Public Safety.

Discussion

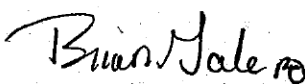
A motion was made to deny the Appellant's request for a variance from 780 CMR 111.1, based on the fact that the presence of this lift would impede adequate egress access of this stairway. There was a second on the motion and a board vote was taken, which was unanimous. The Board did suggest that it would be open to consider another appeal which the appellant is welcome to submit. The Board however suggested that the design should neither present an impediment to egress access nor be objected to by the Framingham Fire and Building Departments.

Conclusion

The Appellant's request for a variance from 780 CMR 111.1, is hereby denied and so ordered² on this date: September 4, 2008.



Jacob Nunnemacher



Brian Gale



Douglas Semple

¹ This is a concise version of the Board's decision. You may request a full written decision within 30 days of the date of this decision. Requests must be in writing and addressed to: Department of Public Safety, State Building Code Appeals Board, Program Coordinator, One Ashburton Place, Room 1301, Boston, MA 02108

² In accordance with M.G.L. c. 30A, §14, any person aggrieved by this decision may appeal to the Superior Court within 30 days after the date of this decision.